

### REMARKS

The above amendments and following remarks are fully and completely responsive to the Office Action dated May 19, 2003. Claims 7-61 are pending in this application with claims 47-61 added by the present amendment. In the outstanding Office Action, claims 7-46 were rejected under 35 U.S.C. § 102(e). No new matter has been added. Claims 7-61 are presented for reconsideration.

#### 35 U.S.C. § 102(e)

Claims 7-46 were rejected under 35 U.S.C. § 102(e) as being anticipated by Aoki (U.S. Patent No. 6,243,220). In making this rejection, the Office Action asserts that this reference teaches each and every element of the claimed invention. Applicants request reconsideration of this rejection.

Claim 7 recites a recording medium including a first recording area in which an audio stream containing audio data is recorded. A second recording area in which control information is recorded is located in a different position from the first recording area. The control information includes application information indicating whether or not the audio stream contains audio data intermingled from different recording modes.

Aoki teaches a video tape recorder that arranges a video signal area and a plurality of audio signal areas in series. These signals are recorded on tracks of a magnetic tape. The video tape recorder records an audio mode information signal for each audio signal area in a sub-code area which forms the leading portion of each audio signal area.

The audio mode information identifies the audio mode of audio signal, for example multiplexed, multi-channel, or monaural. Accordingly, the audio mode information of Aoki is similar to the channel number used in the present specification. When reproducing the audio data, the audio mode information corresponding to each audio area is detected from the sub-code area. Based on this audio mode information, the audio signal fed from each audio area is decoded to output.

In contrast, the application information of the claimed invention indicates whether or not the audio stream contains audio information intermingled from different recording modes. Thus, the application information indicates that the audio stream contains audio information having a single audio mode (e.g., one of multiplexed, multi-channel, or monaural). Alternatively, the application indicates that the audio stream contains audio information having multiple audio modes (e.g., multiplexed and multi-channel; multiplexed and monaural; multi-channel and monaural; or multiplexed, multi-channel and monaural). For example, if the application information indicates that the audio stream contains multiple audio modes, then the audio stream may have a section of multiplexed audio followed by a section of multichannel audio.

Aoki fails to disclose whether or not the audio information with different recording modes is mixed or intermingled in one audio stream. Accordingly, Aoki fails to teach and/or suggest the claimed invention. Specifically, Aoki fails to teach and/or suggest that the control information includes application information indicating whether or not the audio stream contains audio data intermingled from different recording modes. Since Aoki fails to disclose and/or suggest each and every element of the claimed invention,

Applicants respectfully request reconsideration and withdrawal of the rejection of claims 7-46 under 35 U.S.C. § 102(e).

### **New Claims**

New claims 47-61 have been added to further claim Applicants invention.

Aoki fails to teach and/or suggest claims 47-61. Specifically, Aoki fails to teach and/or suggest that the control information include a mixed mode flag. Accordingly, Applicants request consideration and allowance of claims 47-61.


### **Conclusion**

Applicants' amendments and remarks have overcome the objections and rejections set forth in the Office Action dated May 19, 2003. Specifically, Applicants' remarks have distinguished claims 7-46 from Aoki and thus overcome the rejection of these claims under 35 U.S.C. § 102(e). Applicants remarks have also distinguished new claims 47-61 from Aoki. Accordingly, claims 7-61 are in condition for allowance. Therefore, Applicants respectfully request consideration and allowance of claims 7-61.

Applicants submit that the application is now in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicants respectfully request that the Examiner contact the undersigned attorney by telephone if it is believed that such contact will expedite the prosecution of the application.

The Commissioner is authorized to charge payment for any additional fees which may be required with respect to this paper to our Deposit Account No. 01-2300 making reference to attorney docket number 107156-09071.

Respectfully submitted,

  
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